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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHUNG, DANIEL J

ART UNIT PAPER NUMBER

2672

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,276

Applicant(s)

SAMRA, SUKENDEEP

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1-18 are presented for examination. This office action is in response to the amendment filed on 11-12-2003.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yawitz. (6,597,375)

Regarding claim 1, Yawitz discloses that the claimed feature of a method for varying an attribute of a media presentation, wherein the attribute is derived from a parameter having a value, the method using a processing system including a user input device and media presentation device, the method comprising: accepting signals ["first control elements"] from a user input device ["start point marker"; 56] to select a first media presentation ["starting frame of a video clip"] having a parameter ["video data"; i.e. color, resolution, brightness, window size...etc in the starting video frame] with a first

value [i.e. color values, resolution values, brightness values...etc in the starting video frame]; accepting signals ["second control elements"] from a user input device ["end point marker"; 58] to select a second media presentation ["ending frame of the video clip"] having the parameter with a second value; accepting signals ["current play point"] from a user input device ["current frame stripe"; 82] to generate a new value; and presenting, on the media presentation device, a new media presentation ["a frame corresponding to the play point"] using the new value of the parameter. (See Abstract, col 1 line 30-col 2 line 54, Fig 2)

Regarding claim 2, Yawitz discloses that media presentation device includes displaying images. (See Fig 2)

Regarding claim 3, Yawitz discloses that the first and second media presentations include first and second images, respectively, wherein the media presentation device includes a display screen, the method further comprising displaying the first and second images at different positions ["first and second video window"] on the display screen; accepting signals from a user input device to select a position on the display screen; determining the new value ["a frame at current play point"] by using the distances between the selected position [82] and the positions of the first [70] and second images [72]. (See Fig 2)

Regarding claim 4, Yawitz discloses that displaying [70] the first image at a first corner of a predefined area of the display screen; displaying [72] the second image at a second corner of a predefined area of the display screen; and displaying [52] the new media presentation at the center of the display, wherein the new media presentation includes a new image displayed by using the new value. (See Fig 2)

Regarding claim 5, Yawitz discloses that the media presentation device includes audio waveforms playback. (See Fig 1, Fig 2)

Regarding claims 6-7, claims 6-7 are similar in scope to the claims 3-4, and thus the rejections to claims 3-4 hereinabove are also applicable to claims 6-7.

Regarding claim 8, Yawitz discloses that the media presentation device includes display of non-linear animation. (See Fig 2)

Regarding claim 9, Yawitz discloses that the non-linear animation includes a rendered view of a computer model. (See Fig 2)

Regarding claim 10, Yawitz discloses that the rendered model includes facial animation. (See Fig 2)

Regarding claim 11, Yawitz discloses that inputs from multiple user input devices are used to generate a collaborative new value for the parameter. (See Fig 2)

Regarding claim 12, Yawitz discloses that two or more user input devices are in separate locations. (See Fig 2)

Regarding claim 13, Yawitz discloses that the claimed feature of a method for modifying images in an image processing system, the method comprising displaying the first and second images at different positions [70,72] on a display device, wherein the first image includes a first parameter set ["starting frame"] and wherein the second image includes a second parameter set ["ending frame"]; accepting input from a user input device to indicate a position [82] relative to one or more of the first and second positions; displaying a modified image ["a frame at current play point"] on the display device based on the first parameter set, the second parameter set and the indicated position. (See Abstract, col 1 line 30-col 2 line 54, Fig 2)

Regarding claim 15, Yawitz discloses that at least one parameter [i.e. time variables] is associated with modification of visual content of an image. (See Fig 2)

Regarding claims 16-18, claims 16-18 are similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 16-18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yawitz in view of Ando et al (6,587,123).

Regarding claim 14, Yawitz does not explicitly disclose that displaying a list of parameters to be modified; accepting signals from a user input device to select one or more parameters; and generating a modified image by changing only the selected one or more parameters. However, such limitations are shown in the Ando et al. (See "edit decision list creating device/mode") It would have been obvious to one skilled in the art to incorporate the teaching of Ando into the teaching of Yawitz, in order to 'efficiently select desired video material/frame with easy manner' (See col 1 line 46-64 in Ando), as such improvement is also advantageously desirable in the teaching of Yawitz for displaying/selecting a proper current video frame at specific time indicated by user's desire. (i.e. inputting or selecting numerical time value instead of clicking on the time bar)

***Response to Arguments***

Applicant's arguments received on 11-12-2003 have been carefully considered. However, they do not overcome the previous rejections, which have been maintained. Thus, the finality of this office action is deemed proper.

Regarding to the independent claims, applicant argued that the cited references do not disclose a "parameter" or "value" in recited claims. (See Remarks p.6 line 6-17) however, such limitations are clearly anticipated in the teaching of Yawitz, as "video editing systems manipulate **video data** in a digital format." (See col 1 line 10-11 in Yawitz), where it is notoriously well-known in the art that video data is composed of parameters [i.e. color, resolution, brightness, window size...etc] with its values [i.e. color values, resolution values, brightness values...etc]. [note: if a parameter is not provided (refer to the applicant's argument) in Yawitz, any of windows [72,70,72] in user interface [50] will show in blank] Therefore, there are no patentable differences between the presented invention and the prior art, as broadly claimed by applicant. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, (See Remarks p.6 line 22-26) it is noted that the features upon which applicant relies (i.e. "interpolating between first and second media presentations or first and second images", "moving a mouse pointer between images") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



***Conclusion***

Applicant's response and amendment are not persuasive and the previous grounds of rejection have been maintained. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

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Art Unit: 2672

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**(703) 872-9306 (Central fax)**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
February 2, 2004



**MICHAEL RAZAVI**  
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